

September 29, 2006



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14396
(FIRST REVISION)

EXPIRATION DATE: February 28, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Matheson Tri-Gas
Parsippany, NJ
2. PURPOSE AND LIMITATION:
 - a. This emergency special permit authorizes the transportation in commerce for export only of arsine in certain DOT specification and non-DOT specification cylinders. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 173.192(a) and 173.304a(b) in that non-DOT specification cylinders are not authorized, §§ 173.192(a)(2) in that transportation of certain gases in DOT specification cylinders by cargo vessel is not authorized; and § 173.301(j) in that a foreign cylinder for export must first be hydrostatically tested prior to being filled, except as specified herein.

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5. BASIS: This emergency special permit is based on the application of Matheson Tri-Gas Incorporated dated August 7, 2006 and September 27, 2006 submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic impact.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Arsine	2.3	UN2188	N/A Zone A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are:

- (1) DOT specification 3AL cylinders with a minimum marked service pressure of 1800 psig (150 bar).
- (2) Non-DOT specification seamless aluminum cylinders with a marked test pressure of 300 bar (4,500 psig) manufactured by Luxfer Gas Cylinders (Nottingham, England). Cylinders must be in conformance with Luxfer Gas Cylinders drawing numbers NM20EEC, NM40EEC, NM50EEC and P2802Z on file with the Office of Hazardous Materials Special Permits and Approvals.

b. OPERATIONAL CONTROLS -

- (1) The hydrostatic retest of foreign cylinders for export prior to filling required by § 173.301(j) is waived only if:
 - (i) The cylinders are the non-DOT specification seamless aluminum cylinders described in paragraph 7.a.(2); and
 - (ii) The cylinders are new (not yet used for any service) and have been hydrostatically tested at the time of manufacture.
- (2) Cylinders must be charged with compressed gas in the US and shipped solely for export.
- (3) Cylinders must meet the maximum filling density and service pressure requirements of 49 CFR Part 173.

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(4) The shipping paper must be notated with the special permit number "DOT-SP 14396" and must carry the following certification: "This cylinder has [These cylinders have] been retested and refilled in accordance with DOT requirements for export."

(5) Emergency response information provided with the shipment and available via an emergency response telephone number must indicate that the cylinders are not fitted with pressure relief devices and provide appropriate guidance for exposure to fire.

c. REQUALIFICATION:

(1) The two cylinder specifications described in this special permit must be periodically requalified in accordance with the HMR or alternatively as follows:

(i) DOT-3AL specification cylinders may be requalified by a person holding a valid approval using a UE method authorized under an active special permit for the requalification of DOT-3AL cylinders; and

(ii) Cylinders manufactured in accordance with paragraph 7.a.(2) above may be re-qualified by a person holding a valid approval using the ultrasonic examination (UE) methods in accordance with ISO 6406-2005.

(2) Persons who perform any requalification activity under this special permit, including UE under ISO 6406-2005, must secure and maintain a valid requalifier identification number (RIN) approval in accordance with § 107.805.

8. SPECIAL PROVISIONS:

a. A current copy of this special permit must be maintained at each facility where the package is offered for transportation.

b. The transportation of the packages authorized under this special permit is limited to export only. Shipments to domestic destinations are not authorized.

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c. Each cylinder must be plainly and durably marked "DOT-SP 14396" as specified in § 172.301(c). In addition, each cylinder must be marked "For Export Only".

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

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12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety -- OHMSPA, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.

A handwritten signature in blue ink, appearing to read "R. Ryan Taylor", is written over a faint, larger signature that appears to read "R. A. McGuire".

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: MMT/kah